

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF NEW YORK

**William A. Jacobson**, on behalf of  
himself and others similarly situated,

Plaintiff,

v.

**Mary T. Bassett**, in her official capacity  
as Acting Commissioner of the New  
York Department of Health,

Defendant.

Case No. 3:22-cv-00033-MAD-ML

**PLAINTIFF'S NOTICE OF MOTION FOR PRELIMINARY  
INJUNCTION**

PLEASE TAKE NOTICE that, pursuant to the schedule ordered by this Court and upon the annexed memorandum of law, declaration, and all other pleadings and proceedings, Plaintiff William A. Jacobson respectfully moves this Court for a preliminary injunction restraining the Defendant and her successors from implementing and enforcing the racial preferences in the COVID-19 treatment policy issued by the New York Department of Health.

Respectfully submitted.

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Dated: February 4, 2022

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*pro hac vice* application pending

*Counsel for Plaintiff and  
the Proposed Class*

**CERTIFICATE OF SERVICE**

I certify that on February 4, 2022, I electronically filed this document with the clerk of court using the CM/ECF System, which will automatically send e-mail notification to all counsel of record.

/s/ Jonathan F. Mitchell  
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